

by the said court; but nothing herein contained shall be construed to deprive the party injured from having and maintaining a civil action against such offender, either before or after conviction, or against any other person, for the recovery of the money received or property taken, or the value thereof.

193. If any person who has removed his trial, shall be convicted of any offence punishable by fine or imprisonment, the court shall (if the sentence be imprisonment) sentence him to confinement in the jail of the county or city from which such removal took place; and it shall be the duty of the sheriff of the county or city where such conviction may be had, to place the person convicted in the custody of the sheriff of the county or city in which the indictment was found, together with a certified copy of the docket entries in the case.

SENTENCE OF NEGROES.

194. Where any negro, whether free or slave, is convicted of any offence, the punishment for which, if he were a white man, would be confinement in the penitentiary, such negro, if a slave, shall be sentenced to be sold out of the State for such term as he may have to serve; and if such negro be free, he shall be sentenced to be sold either in the State or out of the State, at the discretion of the court, for such term as a white man for the same offence would be sentenced to the penitentiary.

195. Upon the sale of any free negro under the preceding section, the proceeds of sale shall be first applied, after paying the expenses of the sale, of the prosecution and of the defence, including the compensation to the counsel for the prosecution and defence, to the payment of the damages to be ascertained by the court, which the party suffered by the offence for which he was convicted, and the residue shall be paid to the wife of such free negro, if he has one, and if no wife, to the children of such negro, and if he has neither wife nor children, then the residue shall be paid to the county or city where he committed the offence.

196. In all cases where a slave is convicted of an offence, the punishment of which is not death, the court in its discretion, may, instead of adjudging him to be sold out of the State, order him to be whipped not exceeding forty lashes.